

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI
Monday, December 16, 1935

The City Council of the City of Lodi met in regular meeting at 8:00 o'clock P.M. on the date first above written. Councilmen Clark, Graffigna, Weihe and Steele present. Councilman Spooner absent.

The minutes of the regular meeting held December 2, and of the meeting adjourned therefrom, held December 10, 1935 were read by the clerk and approved and so signed by the Mayor.

Mr. Lot Lechenmaier addressed the Council in regard to the use of the vacant lot North of 429 North Sacramento Street by the Supermold Corporation for the piling of lumber and surplus material. Mr. Wook of the Supermold Corporation told the Council that this use of the lot would be temporary pending the success of recently installed methods in his plant for drying foundry cores. Mr. Lechenmaier was informed that there was no zoning ordinance in the city that prohibited the use of this lot for commercial purposes and that it was very doubtful that a zoning ordinance would consider his property to be in a commercial zone.

The Clerk was instructed to get in touch with a reputable planning engineer and ascertain the costs of a survey looking towards the adoption of a City Plan.

Communications: The Clerk read a letter from J. H. Wade Director, District No. 3 of the Works Progress Administration, stating that the W. P. A. could make no guarantee to complete any W. P. A. Project.

It appearing on statement of the Clerk that the second installment of taxes for 1934 on certain lots now owned by the City and located in Lawrence Homestead Addition had not been paid, the Mayor was authorized to petition the Board of Supervisors for the cancellation of these taxes in the ensuing tax sales. This was done by the adoption of Resolution 821 by the following vote:

AYES: Councilmen, Weihe, Graffigna, Clark and Steele
NOES: Councilmen, None
ABSENT: Councilman, Spooner

RESOLUTION NO. 821

RESOLUTION AUTHORIZING PETITION TO THE BOARD
OF SUPERVISORS FOR THE CANCELLATION OF TAXES

WHEREAS, this City acquired certain lands in the Lawrence Homestead Addition to Lodi by virtue of a certain annexed decree of distribution, dated and recorded November 7, 1934 in the office of the County Recorder of San Joaquin County, California, said lands being particularly described as follows:-

Map No. 2 - Lawrence Homestead Addition
Lots 1, 2 and 3 in Block 3
and Lots 1, 2, 3, 4, 5, 6,
7, 9, 10, 11, 12, 13, 14, 15,
16, 17, and 18 in Block 6.

and;

WHEREAS, the said lots or parcels of land were sold to the State of California on Monday, the twenty-fourth day of June, 1935 for delinquent taxes of 1934, and;

WHEREAS, said lands are not subject to final tax sale being the property of this City, a municipal corporation;

BE IT RESOLVED, that the Mayor of this City and he is hereby authorized and directed, to petition the Board of Supervisors (by and with the consent of the District Attorney) to cancel said delinquent taxes and tax sale in accordance with Section 3804-a of the Political Code of this State.

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Eight building permits were granted being application Nos. 1375 to 1383 inclusive for structures to cost \$23,260.00.

It appearing from statement by the City Attorney that certain minor corrections should be made in the minutes of November 18, 1935 and particularly in the wording of Resolution 815 adopted thereat, the City Council was directed to correct the minutes in the following particulars in Resolution No. 815: Change Paragraph 3 to read "Whereas, the City of Lodi, grantee therein, has met and discharged the requirements of conditions subsequent numbered "One" and "Two" as is acknowledged in the "Fifth Supplement to Deed" and has fully performed the requirements of condition "Three" of said deed and supplementary deeds to the extent of calling and holding an election to vote bonds for the construction of the project works therein, which election was held and conducted on the 12th day of September, 1935 and the said Colorado Power Company was given notice of said election and of the result thereof; and,". Change Paragraph 5 of said resolution to read "WHEREAS, the City of Lodi is restrained and enjoined from the selling of the bonds authorized to be issued at the said election of September 12, 1935 and/or from the expenditure of any moneys received from the sale of said bonds or received from any loan and grant from the United States of America by reason of certain law-suits filed by the Pacific Gas & Electric Company against said City and now pending in the Federal and State Courts, so that said City is prevented by force from performing the remaining conditions subsequent Nos. "Three", "Four", "Five" and "Six" of said deed and deeds supplementary thereto;". And change Paragraph 6 of said resolution to read "THEREFORE BE IT RESOLVED, that this City Council of the City of Lodi do hereby request the said Colorado Power Company to extend the time allowed by said deed of January 9, 1929, as already extended by said five supplementary deeds (particularly by said "Fifth" Supplement to Deed) for and additional period of one year, within which the remaining conditions enumerated in said deed dated January 9, 1929, as conditions numbered "Third", "Fourth", "Fifth" and "Sixth" may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi as set forth in said Resolution Nos. 566 and 567." Motion carried and so ordered.

On motion of Councilman Weihe, seconded by Councilman Graffigna the Mayor was directed to give notice to the Colorado Power Company in accordance with "Condition Third" of the deed of January 9, 1929 that the City had complied insofar as it was able with the conditions stated therein. Said Notice reads as follows:-

NOTICE OF PERFORMANCE BY THE CITY OF LODI OF CERTAIN CONDITIONS SUBSEQUENT MENTIONED AND SET OUT IN THAT CERTAIN DEED DATED JANUARY 9th, 1929, AND EXECUTED BY COLORADO POWER COMPANY, A CORPORATION, TO CITY OF LODI, AND RECORDED IN VOL. 47 OF DEEDS AT PAGE 165 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF AMADOR, STATE OF CALIFORNIA.

To Colorado Power Company, a Corporation:

You will please take notice and you are hereby notified that in compliance with, and pursuant to, the conditions subsequent which are made a part of the deed hereinabove mentioned, and pursuant to five certain supplemental deeds, extending the time for performance of said conditions subsequent, the City Council of the City of Lodi heretofore had an election duly called and held for the purpose of determination by the electors of the City of Lodi of a proposition to incur the necessary indebtedness for the construction and operation of the power plant and transmission line, mentioned and referred to in said deed, and in the said five supplements thereto, and that said election was held at and in the said City of Lodi on the 12th day of September, 1935, and that in and by said election such indebtedness was approved by the electorate of said city.

You are further notified that the said City of Lodi is ready to proceed with the financing and construction of the project works mentioned and referred to in the said deed and in the five supplements thereto, and is able to proceed with the financing and construction of said project work except insofar as said city is restrained or enjoined from doing so in and by those certain lawsuits filed and commenced by the Pacific Gas and Electric Company, a corporation, against said city and now pending in the

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United States District Court for the Northern District of California, Southern Division, and in the Superior Court of the State of California in and for the County of San Joaquin, and by such restraining order or orders, and injunction or injunctions as have been or may hereafter be made, rendered or entered in either or both of said lawsuits.

Dated: December _____, 1935.

Mayor of the City of Lodi.

Attest: _____
City Clerk

The Colorado Power Company having presented a deed marked "Sixth Supplement to Deed" wherein the time for the performance of certain conditions subsequent was extended as asked in Resolution 815 for a period of six months, the said deed was accepted and ordered filed and recorded by the adoption of Resolution 823.

RESOLUTION 823

RESOLVED, by the City Council of the City of Lodi, County of San Joaquin, State of California, that, whereas, Colorado Power Company, a corporation, has delivered to said City a certain "SIXTH SUPPLEMENT TO DEED" dated December _____, 1935;

NOW, THEREFORE, the said City of Lodi does hereby accept the said "SIXTH SUPPLEMENT TO DEED" subject to all the terms and conditions thereof, and hereby directs that said "SIXTH SUPPLEMENT TO DEED" be recorded in the office of the County Recorder of the County of Calaveras, State of California and in the office of the County Recorder of Amador County, California, and that a certified copy of this resolution be annexed to said "SIXTH SUPPLEMENT TO DEED."

The foregoing resolution No. 823 was then passed and adopted by the following vote:-

AYES: Councilmen, Weihe, Graffigna, Clark and Steele
NOES: Councilmen, None
ABSENT: Councilman, Spooner

On motion of Councilman Clark, seconded by Councilman Weihe, claims Nos. 25,231 to 25,277 inclusive in the amount of \$2,885.29 were allowed and ordered granted.

On recommendation of the City Engineer application for W.P.A. Projects for the installation of concrete curbs and gutters on Olive Court, DeForce Avenue and Daisy Avenue was authorized by the adoption of Resolutions 822 and 824.

RESOLUTION NO. 822

RESOLVED, by the City Council of the City of Lodi, County of San Joaquin, State of California;

That the Mayor be and he is hereby authorized and directed to make application to the Works Progress Administration for the following enumerated project, and that J. F. BLAKELY, City Clerk of this City be and he is hereby authorized and directed to certify to such papers as may be necessary to put these projects into operation, said Mayor and said City Clerk to act as Sponsor's Agent and Fiscal Officer, respectively.

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The project for which application is to be made is as follows:

Construction of 2025 lineal ft. of curb and gutter and 21 driveways and alleyways consisting of 870 sq. ft. on Olive Court and DeForce Avenue. This project includes the laying of 45 lineal feet of 6" concrete pipe and 255 lineal feet of 8" concrete pipe and one manhole and two catch basins for a storm sewer on Pleasant Avenue from Olive Court to Daisy Avenue. This work also contemplates the grading of Olive Court and DeForce Avenue.

Councilman

The foregoing Resolution No. 822 was passed and adopted by the following vote:-

AYES: COUNCILMEN, Graffigna, Weihe, Clark and Steele
NOES: COUNCILMEN, None
ABSENT: COUNCILMAN, Spooner

RESOLUTION NO. 824

RESOLVED: by the City Council of the City of Lodi, County of San Joaquin, State of California;

That the Mayor be and he is hereby authorized and directed to make application to the Works Progress Administration for the following enumerated project, and that J. F. BLAKELY, City Clerk of this City be and he is hereby authorized and directed to certify to such papers as may be necessary to put these projects into operation, said Mayor and said City Clerk to act as Sponsor's Agent and Fiscal Officer, respectively.

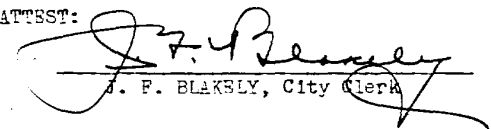
The project for which application is to be made is as follows:

Construction of concrete combination curb and gutters along the property lines of Daisy Avenue between the West line of Sacramento Street and the East line of North School Street and the grading and oiling of the roadway of the said portions of said Daisy Avenue.

Councilman

No further business appearing the City Council adjourned on motion of Councilman Weihe, seconded by Councilman Clark.

ATTEST:


J. F. BLAKELY, City Clerk

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read at a subsequent meeting of said Council held January 8, 1938 and approved without correction.


Mayor of the City of Lodi.